



DATE:	October 20, 2015
APPROVED BY:	Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

September 29, 2015

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Zondag called the meeting to order at 5:30 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Martin (alt. for Troy), Morse, Schaedlich, Siegel, Zondag, Ms. Hausch, and Ms. Pesec (alt. for Moran). Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Mr. Radachy, Ms. Jordan and Ms. Truesdell.

MINUTES

August 2015 Minutes

Mr. Brotzman moved and Mr. Siegel seconded the motion to approve the August 2015 minutes.

Six voted "Aye".
Three abstained.

September 18, 2015 Special Meeting Minutes

Mr. Morse moved and Mr. Martin seconded the motion to approve the minutes of the Special Meeting for September 18, 2015.

Six voted "Aye".
Three abstained.

FINANCIAL REPORT

Mr. Radachy said that there has been no major changes in our financial situation.

Mr. Morse moved and Ms. Pesec seconded the motion to accept the August 2015 Financial Report.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Ms. Germano said there were no legal issues to report.

DIRECTOR'S REPORT

Mr. Radachy discussed several items:

- Staff is in the process of completing the Painesville Township Comprehensive Plan. The Plan has been sent to the Zoning Commission and Trustees for review.
- The Intern hired in August has since quit citing the fact that planning work was incompatible with her environmental science studies.
- The Leroy Township and Fairport Harbor Comprehensive Plans are in the draft stages.
- Concord Township is updating their plan.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

SUBDIVISION ACTIVITY REPORT

Concord Township - Eagle Estates Preliminary Plan, 15 Lots, 11.71 Acres

Mr. Radachy said Eagle Estates was accepted to be placed on the agenda for this month but we received a petition for a Public Hearing. We cannot act on this Plan until we have the Public Hearing. At the special meeting of September 18th, it was decided to have the Public Hearing on October 20th prior to the regular Planning Commission meeting. This was to provide the 30-day notice necessary to hold a Public Hearing. There is no action to be taken until after the Public Hearing.

Mr. Schaedlich asked if information about the Subdivision will be presented at the Public Hearing.

Mr. Radachy said that a Public Hearing is for the public to present their concerns. Details about Eagle Estates will be presented at the regular Planning Commission meeting that will follow. He will provide basic information at the Public Hearing. Eagle Estates needs to be tabled at this meeting.

Mr. Siegel moved and Ms. Hausch seconded the motion to table the Eagle Estates Preliminary Plan in Concord Township.

All voted "Aye".

Ms. Pesec asked that the public be provided with the restrictions of the Commission as it pertains to Subdivision Regulations.

Mr. Zondag responded that Mr. Radachy can state what the Commission can or cannot do and we can listen to their concerns, but are limited by the Regulations.

Mr. Radachy said he can explain how the basic subdivision process works, the laws that apply, how the other agencies are reviewed, and the time for public comment.

Mr. Adams said that 15 years ago, a development on Route 608 caused a lot of public concern. The public wants their voices heard. If we cannot act on their behalf, then we cannot.

Concord Township - Stoneridge, Phase 1B, Lot Split Plat, 6 Lots, 3.005 Acres

Ms. Jordan said that Stoneridge Phase 1B is located on Girdled Road east of Ravenna Road in Concord Township. The Developer is Mentor Farms, LLC and the Engineer is David Novak of Barrington Consulting Group, Inc. Stoneridge, Phase 1B is located on Girdled Road east of Ravenna Road. It is surrounded by R-4 zoning. The applicant is Russell Berzin of Mentor Farms, LLC.

Proposed Final Plat Stipulations:

1. Final forms of covenants running with the land and any deed restrictions, easements, and by-laws for homeowners associations shall be provided to the Township to be reviewed by legal counsel. *Concord Township Trustees*
2. The final approval of the Plat shall be formally accepted by the Township Board of Trustees in a public meeting prior to recording per Section 16.14 (A)(8) of the Zoning Resolution. *Concord Township Trustees*
3. All subdivision final plats shall be referenced to Ohio State Plan Coordinates, 1983 Horizontal NAD, and 1988 NAVD for vertical control. *Article III, Section 6(C)(5)*
 - a. Add State Plane Coordinates. *LC Engineer*
4. Location by permanent parcel number shall be included on the Plat. *Article III, Section 6(D)(1)(a)*
5. A statement or table showing total acreage in the subdivision and total acreage used for sublots, roads, open space, easements and other types of uses shall be included on the Plat. *Article III, Section 6(D)(2)*
 - a. Add Acreage Table with remaining acreage. *LC Engineer*
6. Accurate dimensions for all sublots shall be shown on the Plat. *Article III, Section 6(D)(3)(f)*
 - a. Add missing dimensions. *LC Engineer*
7. When necessary, Local Drainage Service (LDS) easement(s) must be provided and shall be shown on the Plat. *Article III, Section 6(D)(3)(k)*
 - a. The Drainage Easement located within Open Space "C" shall be a "Local Drainage Service Easement". *LC Engineer*

8. As this Subdivision is proposed in an R-2 Residential Conservation Development District, the Subdivision must be serviced by Sanitary Sewer and a Sanitary Sewer Maintenance Bond shall be filed prior to filing the Final Plat. *LC Planning & Community Development*

Proposed Final Plat Comments:

1. Easements on the Plat have been recorded in Stoneridge Phase 1A. *LC Engineer*

Ms. Jordan read Proposed Final Plat Stipulation number 5.

Mr. Zondag asked about a proposed cul-de-sac on Keystone Drive.

Mr. Radachy said the cul-de-sac has been removed. Keystone goes all the way through.

Ms. Peseck asked if they removed the gas well.

Mr. Radachy said he believed they capped it, but he was not sure.

Mr. Zondag asked about the exit point and the traffic pattern.

Mr. Radachy said it goes out to Girdled Road. He pointed out where JoAnn Drive will come to and another street will connect into it. JoAnn Drive will dead end into a cul-de-sac. Because the sewer is down at one end of the Subdivision, they started backwards. There is no construction drive. The construction equipment is going down Keystone Drive and JoAnn Drive. We asked for a construction drive but did not have the ability to force them to do it. Neither did the Engineer. The road construction is completed. We don't have the ability to force an easement for home construction either. These are public roads.

Mr. Zondag asked about the site distance issue on Girdled Road.

Mr. Radachy said there is a little dip on Girdled Road. The road was moved to the west so you can see into the dip.

Mr. Siegel moved and Mr. Adams seconded the motion to approve Stoneridge Subdivision, Phase 1B Lot Split Plat with 6 Lots on 3.005 acres in Concord Township.

All voted "Aye".

LAND USE AND ZONING REVIEW

Concord Township - Text Amendment #1: Revising Section 15; Repealing Sections 17, 18, 19, 20, and 21

Ms. Jordan read the purpose statement of the R-3 Residential District.

AMENDMENT SUMMARY

- Revising Section 15 to consolidate the regulations for R-1, R-3, R-4, R-6 and R-8 into one Residential District Section. Consolidation includes new and revised purpose

statements for districts and reorganization of uses and development standards into tables.

- Repealing Sections 17, 18, 19, 20 and 21.

RELEVANCE TO COMPREHENSIVE PLAN

- The re-organization of the residential districts is recommended by the 2015 Concord Township Comprehensive Plan.

STAFF COMMENTS

- Each one of your commercial and residential zones has a special name, but R-1, R-3, R-4 and R-6 are all being called Residential and R-8 is being called Rural Residential.
- R-3, Residential is different from R-1, R-4, R-6 and R-8. The Purpose statement states that it allows multi-family, while the other districts are single-family districts. The name "R-3, Residential" does not reflect this point.
- Please consult with the Fair Housing Resource Center to ensure that you are in compliance with the Fair Housing Laws in regard to Adult Group Home.
- The new regulations allow for single-family detached cluster units and multi-family buildings (three units to eight units) in R-3, but does not allow duplexes. Duplexes are a common housing type in cluster developments.
- R-6 and R-8 only allow two uses: single-family homes and adult family homes.
- The new regulations allow for detached garages, gazebos and pavilions as accessory structures, but do not allow carports in R-6 and R-8.
- There is a statement that decks attached to a building would be considered part of the building, but there is no statement on if it would be considered part of the square footage of the dwelling unit.
- You have a setback for driveways, but not for uncovered patios and other paved surfaces in Section 15.03.
- In R-8, the main structure has a 10-foot side setback, but the accessory structure has a 15-foot side setback and 10-foot rear line setback.
- There is no minimum distance between accessory structures and principal structure and no minimum distance between accessory structure and other accessory structures. Some communities will have minimum distance between structures.
- Is R-8 a PUD District?
- Is a garage part of the square footage of the house?

Ms. Jordan read the staff recommendations:

STAFF RECOMMENDATION: Recommend approval with the following changes:

- Recommend giving each district a distinct name. R-1 could be Suburban Residential, R-3, could be Non-Traditional Residential, R-4 could be Large Lot Residential, R-6 could be Estate Residential.
- Please consult with the Fair Housing Resource Center to ensure that you are in compliance with the Fair Housing Laws in regards to Adult Group Home.
- Allow duplexes into R-3.
- Allow carports into R-6 and R-8.

- Add a three-foot setback for uncovered patios to 15.03 H.
- Reduce the sideline setback for accessory structures in R-8 to 10 feet to be consistent with setbacks for principal structure and rearline setback for accessory structure.
- Add a note "d" to 15.05 that states attached garages and decks are not part of the square footage of the units.
- Consider having a minimum building separation between accessory structures and principal structures and other accessory structures.
- Changes to grammar and punctuation, as indicated by track changes on the document.

Ms. Pesec commented on the purpose statement saying that a developer sued Concord Township because they wanted R-4, which is one acre, to be brought back to the original R-1 which is one-half acre stating that because they had sewers they did not need to have that full one acre. It was not a good idea to have the statement, "with limited sanitary sewers". This is in Section 15.01 (C). There are no parts of the R-4 purpose statement that has "significant areas of woodland" mentioned. The purpose of R-6 should be included in R-4. The purpose statement of each district should not contain the statement about health, safety, comfort and general welfare for each district because the statement is in the beginning section of the Zoning Resolution

Mr. Radachy said the opening paragraph of the zoning resolution would say that this resolution is done to protect the health and safety and welfare of our citizens. He would rather take this statement out of R-6 rather than put it in each one. Saying it at the beginning of the zoning text should be sufficient.

Ms. Pesec recommended that it be taken out of R-6. Include some of the wording of R-6, such as enhancing natural beauty, into the purpose statement of R-4 especially.

Ms. Pesec had concerns about accessory structures being too close to the property lines in R-8.

Mr. Radachy said when talking about additional uses, this is applicable to something like Little Mountain Country Club or a large tennis club, not someone putting these uses in their own yard.

Ms. Pesec said it seems you would want to decrease sideline clearance of accessory structures to 10 feet.

Mr. Radachy said the recommendation to take it down to 10 feet is consistent with R-1 and R-4 and consistent with the setback of the principal structure which is 10 feet. So either they do 15 feet on the principal building or they do 10 feet on the accessory structure.

Ms. Pesec said with R-8 it is different than with something like a shed.

Mr. Radachy said 15.04-1 is about principal structures like a house or an accessory structure like a detached garage or shed. Mr. Radachy directed attention to the Table of Uses, Table 15.02-1. He also pointed out Section D, R-8 Rural Residential and Recreational District Development Standards.

Ms. Pesec said that she would not want driving ranges and tennis courts ten feet from her property line. Mr. Radachy said those uses are not dictated by the development standards of 15.04. The uses that are referred to meant to be on larger parcels, not on single lots. Those development standards are meant for single lots. He said this is the way it has developed in the past. They are transferring sections from R-8 to this section. The uses that you are referring to are uses meant to be on larger parcels not on single lots.

Ms. Pesec asked if we can have a comment that says "accessory uses from R-8 that could interfere with the neighbors' enjoyment of property could have a larger setback"?

Mr. Radachy stated this could be mixing up standards.

Ms. Pesec said it would be a good idea to include a statement having them consider making sure that the setbacks would be sufficient for adjacent property owners.

Mr. Radachy said we can do that.

Ms. Pesec brought up the density calculation for R-3 on page 15-11 saying the maximum number of units permitted should be calculated by (C-I) taking away existing public right-of-ways, bumper strips, and that sort of thing and then multiplying the remaining area by the maximum density permitted. There should be something taking away from any undevelopable land so if there is a piece with a stream or deep ravine, that portion could not be part of the calculation for density.

Mr. Radachy said the R-3 District is meant to be a multi-family district and so they are asking for a property that is not a conservation district. There is nothing in the purpose statement about that. He did not think it would be appropriate to take away land from the property owner. There might be issues if the Township tried to enforce that. The point of "site conditions" is key to not taking out areas that are undeveloped. They are specifying areas that are typical to develop. The purpose statement is looking for sites that are difficult to develop. By taking away land that is undevelopable, they are reducing the developers' ability to use the land for productive uses. We are allowing for the stated acreage of land that the owner has on his deed. The language that is in the purpose statement is in the Comprehensive Plan.

Ms. Pesec said she is not trying to take away developable land. She is trying to make it a reasonable density.

Mr. Radachy said that Concord is saying by their purpose statement that pieces that are difficult to develop. The developer has to consider how many units he can build in that size of a property and what his break-even point is.

Ms. Pesec said that the purpose statement can be interpreted in a number of ways. She would like to see it so that undevelopable land is still undevelopable land regardless of its site conditions.

Mr. Radachy said it is still undevelopable land but they are just taking a calculation based on what they own and not what cannot be used. Who is to say that they could not get the permits to culvert a stream? Engineers can do wonders.

Ms. Pesec said to do it the same way we define it in conservation development: marketable and reasonable. There is a phrase that can be put in there.

Mr. Radachy said that is not the point of this district.

Ms. Pesec said the point of this district is not to have an overall density of more than eight units per acre.

Mr. Radachy said the density is stated as eight units per acre minus the right-of-way.

Ms. Pesec said that is one interpretation and another interpretation, backed by the majority of the citizens is to have reasonable density calculations. There are two different schools of thought. This can be taken up at the Township level.

Mr. Schaedlich said we do not have to rewrite their zoning text.

Ms. Pesec directed attention to R-8 on page 13 under Open Space Requirements. There is a really small description of what they are. She would recommend that they flesh it out a little better.

Mr. Radachy said in this particular section, they are moving what was an R-8 forward to what is now Section 15 and they are not making any significant changes to the text but it is considered new.

Mr. Zondag confirmed that the changes need to occur at the Township level.

Mr. Radachy said under 15.01 C, it was suggested by Ms. Pesec to take out, "and with limited sanitary sewer" because of past issues.

Mr. Radachy said under 15.01 D, it was suggested by Ms. Pesec that since all zoning is for health and safety purposes to either remove the language, "to promote health, safety, comfort and general welfare", from the purpose statement of R-6 or add that language to all purpose statements.

Mr. Radachy said on page 15-11, we are suggesting reducing the sideline accessory structure to 10 feet. On the minimum sideline clearance, the principal building has a 10-foot sideline clearance but the accessory structure has a 15-foot sideline clearance. Staff suggested reducing the accessory structure to 10 feet and to increase the sideline clearance to 15 feet on the principal building. The rearline clearance could be increased to 15 feet for accessory structures in R-8. Right now the principal dwelling is 10 feet. It is possible that is a typo because 30 and 30 makes more sense. We will note that Concord should check the sideline clearance for principal structures in R-8. Currently, it is a 15-foot sideline clearance and a 10-foot rearline clearance for accessory structures. Do you want to go 15-15? These are one-acre lots.

Mr. Zondag asked what would be the reason for going 15 instead of 10.

Mr. Radachy said because they have both numbers in there. R-4 is 15-15 and those are one-acre lots. And R-1 is 15-15 and those are one-half acre lots with sanitary sewer. It would be consistent with the other districts if they go 15-15.

Ms. Pesec said that Concord needs to look at these design standards.

Mr. Zondag polled the room and the results were evenly divided between suggesting 10-10 setback or a 15-15 setback.

Ms. Pesec said that to be consistent Concord should choose one or the other in their language.

Mr. Brotzman moved and Mr. Adams seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommend approval of Text Amendment #1, Revising Section 15 and Repealing Sections 17, 18, 19, 20, and 21. Included is the recommendation that Concord should be consistent in their sideline design standards.

All voted "Aye".

Mr. Morse said that we just passed the recommendation. Now we should vote on the amendment.

Mr. Morse moved and Mr. Siegel seconded the motion to approve Text Amendment #1: Revising Section 15; Repealing Sections 17, 18, 19, 20, and 21. Included is the recommendation that Concord should be consistent in their sideline design standards.

All voted "Aye".

Concord Township - Text Amendment #2: Amending Section 5, Revising Adding and Deleting Definitions

Ms. Jordan read the Amendment Summary.

AMENDMENT SUMMARY

- Moving the statement that words not defined have their ordinary English meaning, from old Section 5.02 A to 5.01 D.
- Deleting the definition of adult; adult family home, owner; adult family home, manager; adult, senior; alteration, structure; banner; corner lot; dwelling, two family; patio home; political sign; residential use; satellite receiving antennas; senior adult; senior adult care home; sign, government; sign, off premises; sign, on premises; single detached cluster dwelling (R-3 District); special event; and special event (religious or institutional use).
- Revising the definition of adult family home; adult group home; agriculture; apartment; applicant; building line; flag; hospice care program; lot; lot area; lot line; lot width; residential district; setback line; sign; structural alteration; and zoning permit.
- Adding the definition of certificate of zoning compliance; commercial center; common open space; duplex; and parcel.
- Moving definition of dwelling, detached single family cluster from Section XXX;

RELEVANCE TO COMPREHENSIVE PLAN

- The reorganization of the residential districts is recommended by the 2015 Concord Township Comprehensive Plan.

STAFF COMMENTS

- Lake County Subdivision Regulation Definition of a Lot: For purposes of these Regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required.
- Some land in Concord Township is described by a deed and a legal description and is not shown on a plat in County Records.
- You are adding the term parcel, but you are adding "property" to the definition of lot line.

STAFF RECOMMENDATION: Recommend approval with the following changes:

- Use the definition of lot from the Lake County Subdivision Regulations or remove the line "that is part of a plat" and the definition would read "A parcel of land that is legally recorded in the Recorder's Office of Lake County" or "A parcel of land that is legally recorded in the Official Records of Lake County".
- Use "parcel" instead of "property" in the lot line definition.
- Recommend that the following definitions be moved from Section 5 to Section 30: Banner; Flag; Sign; Signs, Government; Sign, Off-Premises; Sign, On-Premises. Section 30, "Signs", includes definitions for signs, some of which differ from the definitions in Section 5.
- The definition for Pennant is included in Section 5, but not in Section 30, "Signs". It is recommended that this definition be moved from Section 5 to Section 30, as this Section includes all definitions relating to signs.
- The numbering is off starting at the definition for "Home", which should be numbered as 93. Renumber this definition, as well as the definitions thereafter.
- Changes to grammar and punctuation, as indicated by track changes on the document.

Mr. Schaedlich said under proposed Definition 50-47, Commercial Center. "A lot of lots" needs to be corrected to "a lot or lots".

Ms. Pesec asked under 52-50 Common Open Space, if we want to have common open space go to entities such as Lake Metroparks or the Soil and Water District?

Mr. Radachy said yes. The category can be broadened for proper non-profit organizations. Instead of "township" insert "government agency". The term "proper non-profit" would include the land conservancies. Change "township" to "political subdivision".

Ms. Pesec said under 64.62 Dwelling Detached Single Family Cluster, is it detached from any other house or any other building? Under 64.62, could dwelling space be substituted for "structure"?

Mr. Schaedlich said we are really looking at detachment from any other single-family home.

Mr. Radachy said 62 could read: "Dwelling, Detached Single Family Cluster: a building consisting of a single dwelling unit detached from any other single dwelling unit by open space. . ."

Mr. Zondag asked about Agriculture. Is Agriculture considered an economic unit or lots with animals on it?

Mr. Radachy said that, yes, that is the ORC definition.

Ms. Pesec moved and Mr. Brotzman seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommend approval of text amendment #2: Amending Section 5, Revising Adding and Deleting Definitions.

All voted "Aye".

Mr. Morse moved and Ms. Pesec seconded the motion to accept text amendment #2: Amending Section 5, Revising Adding and Deleting Definitions.

All voted "Aye".

Concord Township - Text Amendment #3: Revising Section 16, Planned Unit Development and Residential Conservation District

Ms. Jordan said they are revising the purpose statement in this amendment. She read the following:

AMENDMENT SUMMARY

- Revising the purpose statement.
- Deleting the definitions.
- Adding accessory uses of swimming pools, fences, decks, accessory structures, gazebos or pavilions and other accessory structures not requiring a zoning permit in Sections 16.07 E and 16.23 B 5-9.
- Revising wording for height of accessory structures in 16.10 D and lot width in Section 16.10 G.
- Adding a reference to swimming pool Section XXXI in Section 16.23 B 1.
- Accessory structures are limited to 200 square feet in Section 16.23 B5 and 16.23 B7 considers decks attached to the main structures to be part of the main structure and they have to adhere to the setbacks.
- Revising Minimum Building Setbacks and Yard Clearances in 16.25 D. It provides information on how the setback is measured and references that swimming pools have a different set of standards and where to find those standards.
- Deleting parking requirements for Patio Single Family Detach.

RELEVANCE TO COMPREHENSIVE PLAN

- The reorganization of the residential districts is recommended by the 2015 Concord Township Comprehensive Plan.

STAFF COMMENTS

- There should be a reference to the fact that this district is a PUD established under ORC 519.021 (B).
- Apartment building, building topography, building site, condominium development, developable land, gross acreage, home owners association, and tree are being removed completely from the resolution.
- The new regulations are limiting the height of accessory structures to 18 feet.
- In Section 16.23 B7, the regulation states that decks located in the side or rear shall be in compliance with front, rear or side setbacks. The regulation should reference front in first part of the sentence.
- They are setting the front building setback line to 30 feet and requiring 30 feet on both right-of-way sides for corner and double-frontage lots.

STAFF RECOMMENDATION: Recommend approval with the following changes:

- Change 16.23 B 7 to read: Decks: Freestanding decks located in the **front**, side or rear yard shall be permitted in compliance...
- Changes to grammar and punctuation, as indicated by track changes on the document.

Ms. Pesec referred to the Purpose Statement, 16.1, saying it might be good to also include preservation of land, etc.

Mr. Radachy said that 16.1 refers to the Golf Course PUD compared to the RCD.

Mr. Zondag asked if that was not in the front preface to everything.

Mr. Radachy said, no, that is health and safety.

Ms. Pesec we need to take "promote health and safety" out of 16.01. she would add something about a suggestion for preservation of the land. In 16.05, the common open space needs to be given to a non-profit. Perhaps we should mirror the same language that we use for the other one.

Mr. Radachy said they are not revising the whole section. This language was given as courtesy from the Township but just the Purpose Statement was changing. They are not amending 16.05.

Mr. Radachy said this Section on Preliminary Plans has not been updated since we updated our preliminary plan standards. It may have mirrored language in 1986 when they created it.

Ms. Pesec asked if we can make a recommendation to change this whole section on preliminary plans.

Mr. Zondag said this is not in the scope of what we are doing tonight. He asked Mr. Radachy to make recommendations.

Mr. Radachy said under 16.01, remove health and safety and comfort and general welfare to be consistent with the other purpose statements.

Ms. Pesec said to consider some language that mentions semi-rural statements.

Mr. Radachy said 16.05 should recommend that all open space be consistent with other Sections. Modify the definition of Common Open Space to include non-profit organizations and political subdivisions, such as the Lake Metroparks or the Soil and Water Conservation District, as entities to whom a deed-restricted parcel or parcels of land within a PUD District can be transferred

Ms. Jordan referred to 16.23 and restated the recommendation of freestanding decks located in the front, side, or rear yard shall be permitted in compliance with the Section.

Mr. Morse moved and Mr. Siegel seconded the motion to accept the recommendation of the Land Use and Zoning Committee for Text Amendment #3: Revising Section 16, Planned Unit Development and Residential Conservation District in Concord Township.

All voted "Aye".

Mr. Brotzman moved and Ms. Hausch seconded the motion to approve the amended recommendations to Text Amendment #3: Revising Section 16, Planned Unit Development and Residential Conservation District in Concord Township.

All voted "Aye".

Concord Township - Text Amendment #4: Revising the Index, Sections 6, 11, 14, 22, 31, 34 and 38

Ms. Jordan read the following amendment summary:

AMENDMENT SUMMARY

- Changing the name of Section III in the Index to "Violations, Enforcement and Fees" and the name of Section XII, "Certificate of Zoning Compliance". This reflects the proper names of the Sections.
- Changing the name Section XV in the Index to "Residential Districts". This is in response to changes from Zoning Text Amendment 1.
- Changing the name of Section XVI in the Index to "Planned Unit Development and Residential Conservation District".
- Showing Sections XVII, XVIII, XIX, XX and XXI in the Index are repealed.
- Changing the name of the Index to "Table of Contents".

- Moving the statement that all roads, streets and railroads, if not otherwise specifically designated shall be considered in the same zone as the property immediately abutting upon such street road or railroad right-of-way from Section 6.01 to Section 14.03.
- Adding a statement that Public Utilities and Railroads are exempt from zoning, numbered as 6.01A.
- Moving and revising Agricultural Uses from Section 6.13 and renaming it "Agricultural Use Exemption", renumbered as 6.01B.
- Naming Section 6.02 "Prohibited Uses". Deleting all references to district names in the Prohibited Uses section and stating that the uses are prohibited in all districts instead of naming the districts.
- Deleting Section 6.03, which states that there are no height restrictions on church spires, belfries, clock towers, wireless towers, scenery lofts or other mechanical appurtenances.
- Sections 6.04 and 6.05 were combined into new Section 6.03 and this section was named "Compliance Required".
- Sections 6.08, 6.09, and 6.10 were combined into Section 6.04 and named "Second Principal Building on Lot". Old Section 6.08, now Section 6.03 A, was amended by adding "A ***second principal*** building...rear of ***an*** existing ***principal***..." A reference to Section 6.07 was removed in old Section 6.09, now 6.04 B. "Principal" was added in front of building to old Section 6.10, now Section 6.04 D.
- Old Section 6.11, the references to setbacks on corner lots and double-frontage lots are being deleted. They were moved to Sections XV and XVI.
- Changing the reference number of Agricultural Use Exemption that is listed in Section 11.03, from "Section 6.01" to "Section 6.13".
- Changing the name of R-3 to "Residential" from "Residential Multi-Family Building" in Section 14.01.
- Deleting the reference to R-5, Senior Residential Community.
- Deleting 14.02, which states all buildings and structures are to be in conformance with these regulations.
- Old Section 14.03 was renumbered as Section 14.02 and new Section 14.03 states that all roads, streets and railroads, if not otherwise specifically designated, shall be considered in the same zone as the property immediately abutting upon such street road or railroad right-of-way.
- Revising Section 22.04 D to read that in cases where the property extends into the right-of-way, the front setback measurement will be taken from the right-of-way line. This Section is also being amended to include a requirement that both frontages of double frontage lots are required to adhere to the frontage setback requirement
- Removing the word "extension" from Section 22.10 G 3.
- Revising Section 22.10 K to read that all signs are to be in conformance with Section XXX.
- Section 31.01, Permit Required, is being moved to Section 31.02.
- Section 31.01 is being named "Applicability".
- Sections 31.02 is being renumbered as 31.01 A, revised to reference existing definitions, and adding language stating the pools are for tenants, occupants and guests and not-for-profit is being removed.
- Section 31.01 B, regarding club swimming pools, is being added to cover multi-family buildings in R-2 and R-3 Districts.

- Section 31.03 is being named "Location" and it is designating setback requirements for pools.
- Section 31.04 is being named "Construction and Maintenance", and is requiring that the property owner maintain the pool (this old Section 31.03)
- Old Section 31.02 A is being moved to 31.04 A and Section 31.02 B is being moved to Section 31.04 B.
- Old Sections 31.03 and 31.04 are being deleted.
- Section 34.01 is being renamed "Applicability" and revised by stating fences "may" instead "shall" be permitted in the R-1, R-2, R-3, R-4, R-6 and R-8 Districts in accordance with these regulations. The exemption for lots of two acres or more and agriculture exemptions are being removed. Language is being added to require non-residential uses in the residential districts and fences in non-residential districts to adhere to Section XXXVIII.
- 34.02 is being named "Zoning Permit Required" and revised to state that a permit is required.
- Section 34.03, requiring smooth side of the fence out is being moved to 34.06 B.
- Section 34.04, stating that fences in side and rear yards are not to exceed eight feet in height, is being moved and renumbered to 34.04 B.
- Section 34.05, stating that no fences in front setback shall exceed four feet in height, is being moved to 34.04 A 1.
- Section 34.05 was skipped in the new numbering.
- Section 34.07, prohibiting fence materials, is being moved to 34.06 D (Which should be numbered 34.05 D).
- Section 34.06, designating pool fencing requirements, is being deleted.
- Section 34.08 is being moved to Section 34.03 and being named "Decorative Fencing".
- A requirement that the fence shall be measured from the finished grade and the post shall not exceed four inches from the top of the fence is being added as 34.06 A (Which should be numbered 34.05 A).
- Fences will be required to be completely on the owner's property when the fence is near a property line per Section 34.06 C (Which should be numbered 34.05 C).
- Permitted open-face fence types are being listed in 34.06 E (Which should be numbered 34.05 E) and permitted solid fence types are being listed in 34.06 F (Which should be numbered 34.05 F).
- A requirement that fence must be kept in a safe, secure, neat and orderly condition at all times is being added as Section 34.06 G (Which should be numbered 34.05 G).

RELEVANCE TO COMPREHENSIVE PLAN

- The reorganization of the residential districts is recommended by the 2015 Concord Township Comprehensive Plan.

STAFF COMMENTS

- The Township is moving the statement that this Section confers no powers on the Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals

to regulate agriculture and agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which such lot is located.

- The name "Club Swimming Pool" does not accurately describe how the definition defines the use. An association pool, development pool, or limited access pool would be a better name for the definition of club pool. The public may associate the name, club swimming pool, with the #49 definition of clubs.

Ms. Jordan read the Staff Recommendations.

STAFF RECOMMENDATION: Recommend approval with the following changes:

- Change "Club Swimming Pool" to "Association Swimming Pool", "Development Swimming Pool", "Limited Access Swimming Pool" or "Semi-Public Swimming Pool".
- The Section "Construction, Maintenance and Repair" is labeled as "34.05" in the Section 34 table of contents, but is labeled as "34.06" in the body of the text. It should be changed to "34.05" in the body of the text.
- Changes to grammar and punctuation, as indicated by track changes on the document.

Mr. Brotzman asked about the position of the posts and neighboring property. The neighbor has the view of the smooth side.

Mr. Siegel moved and Ms. Hausch seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommend approval of Text Amendment #4: Revising the Index, Sections 6, 11, 14, 22, 31, 34 and 38.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Coastal Plan Committee Minutes

Mr. Radachy said the minutes of the Coastal Plan Committee were in the handout. The Coastal Manager of the Lake County Port Authority gave an update of projects that were in progress in different communities.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Mr. Adams commented on the fine presentation given by staff in presenting the Concord Township Text Amendments.

NEW BUSINESS

Mr. Radachy reminded everyone that the next Planning Commission will be on Tuesday, October 20th beginning with the Public Hearing at 5:30.

Mr. Schaedlich said that there will be a Planning and Zoning Workshop in Westlake on November 13th.

PUBLIC COMMENT

There were no comments from the public.

ADJOURNMENT

Mr. Siegel moved and Ms. Hausch seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned 7:20 at p.m.